

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JIMI ROSE,</b>	)	<b>CIVIL RIGHTS ACTION</b>
<b>Plaintiff</b>	)	
<b>vs.</b>	)	<b>No. 02-CV-3842</b>
	)	
<b>CITY OF ALLENTOWN, and</b>	)	<b>JURY TRIAL DEMANDED</b>
<b>ZONING HEARING BOARD OF</b>	)	
<b>THE CITY OF ALLENTOWN,</b>	)	
<b>Defendants</b>	)	

**DEFENDANTS' ANSWER TO PETITION TO INTERVENE**

NOW, come the Defendants, City of Allentown and Zoning Hearing Board of the City of Allentown, by counsel, James T. Huber, Esquire, and answers the Petition to Intervene as follows:

1. After reasonable investigation, the answering Defendants are unable to determine the truth of these averments, and they are accordingly denied.

2. After reasonable investigation, the answering Defendants are unable to determine the truth of these averments, and they are accordingly denied.

3. After reasonable investigation, the answering Defendants are unable to determine the truth of these averments, and they are accordingly denied.

4. After reasonable investigation, the answering Defendants are unable to determine the truth of these averments, and they are accordingly denied.

5. It is denied that Petitioners have been the target of discriminatory enforcement. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

6. It is denied that Petitioners have been the target of discriminatory enforcement. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

7. It is denied that Petitioners have been the target of discriminatory enforcement. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

8. It is denied that Petitioners have been the target of discriminatory enforcement. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

9. Denied. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

10. Denied. By way of further answer, this paragraph contains conclusions of law to which no answer is required.

11. It is admitted that a proposed Complaint is attached. The allegations of that Complaint are denied.

12. It is denied that any minority businessman has been discriminated against by the City of Allentown. With respect to the remaining allegations of this paragraph, after reasonable investigation, the answering Defendants are unable to determine the truth of these averments and they are accordingly denied.

### **NEW MATTER**

13. The case filed at the above-captioned action has been withdrawn by the Plaintiff and has been marked closed by the District Court.

14. It is denied that the Petitioners have a right to intervene.

15. Even if the Petitioners had a right to intervene, they cannot intervene in a case which has already been withdrawn and which has been closed.

WHEREFORE, the Defendants City of Allentown and Zoning Hearing Board of the City of Allentown, by counsel, James T. Huber, Esquire, respectfully request that the Petition to Intervene be denied.

**RESPECTFULLY SUBMITTED,**

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James T. Huber, Esquire  
**HUBER AND WALDRON**  
535 Hamilton Mall, Suite 301  
Allentown, Pennsylvania 18101  
(610) 435-9790  
I.D. No. 22089

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<b>THE CITY OF ALLENTOWN,</b>	)	
<b>Defendants</b>	)	

**ORDER**

\_\_\_\_\_NOW, this                      day of                      , 2005, upon consideration of the  
Petition to Intervene, and the Defendants' Response thereto, the Petition to Intervene is denied.

BY THE COURT:

\_\_\_\_\_  
J.

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<b>ZONING HEARING BOARD OF</b>	)	
<b>THE CITY OF ALLENTOWN,</b>	)	
<b>Defendants</b>	)	

**CERTIFICATE OF SERVICE**

I, James T. Huber, Esquire, hereby certify that I have mailed, by first-class regular mail, a true and correct copy of Defendants' Answer to Petition to Intervene and proposed Order, upon:

Bobby Riddick  
117 S. 5<sup>th</sup> Street  
Allentown, PA 18101

Antonio Arroyo  
P.O. Box 1796  
Allentown, PA 18102

Shannon Eck  
117 S. 5<sup>th</sup> Street  
Allentown, PA 18101

W. Thomas Anthony, Jr., Esquire  
451 Main Street  
Bethlehem, Pennsylvania 18018

Mr. Jimi Rose  
911 Barnsdale Road  
Allentown, Pennsylvania 18103

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James T. Huber, Esquire

Dated: \_\_\_\_\_